

COMMONWEALTH

VS.

No. 82-4116Kenneth Waters

## PRETRIAL CONFERENCE REPORT

A pretrial conference was held on Dec 29, 1982 with the following results:  
(strike out inapplicable parts of the form, fill in dates, check boxes and provide other information as indicated; attach additional sheets as needed.)

## 1. Agreements reached by the parties concerning discovery 1,2

1. (Mandatory discovery for the defendant--Rule 14(a)(1)) The Commonwealth agrees to provide the defendant on or before 2 weeks prior to trial, 1982 the following:

- ☒ (X) written or recorded statements of the defendant in possession, custody, or control of the Commonwealth.
- ☒ (X) relevant written or recorded grand jury testimony.
- ☒ (X) any facts of an exculpatory nature within the possession, custody, or control of the prosecutor.

2. (Discretionary discovery for the defendant--Rule 14(a)(2)) The Commonwealth agrees that on or before 2 weeks prior to trial, 1982 it will provide the defendant in writing, or to allow inspection of, the following which are in the possession of the Commonwealth:

- ☐ ( ) material and relevant physical evidence and documents (specify) \_\_\_\_\_
- ☐ ( ) reports of mental or physical examinations and of scientific tests.
- ☐ ( ) statements of persons (as defined in Rule 13(d))
- ☒ (X) names and addresses of proposed witnesses.

3. (Reciprocal discovery for the prosecution --Rule 14(a)(3)) Defendant agrees that on or before 2 weeks prior to trial, 1982 it will provide the Commonwealth in writing, or allow inspection of, the following which are in the possession of the defendant:

- ☐ ( ) the following material and relevant physical evidence and documents (specify) \_\_\_\_\_
- ☐ ( ) reports of mental or physical examinations and of scientific tests
- ☐ ( ) statements of persons (as defined in Rule 13(d))
- ☒ (X) names and addresses of proposed witnesses.

4. (Notice of alibi--Rule 14(b)(1)) The Commonwealth hereby notifies the defendant that the time, date and place of the alleged offense was as follows: see police reports and grand jury minutes

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing (signed by the defendant) on or before 2 weeks prior to trial, 1982, of the place and

... and addresses of witnesses on which it relies to establish defendant's presence at the scene of the alleged offense or otherwise to rebut defendant's alibi defense.

5. (Notice of other defenses) If the defendant intends to rely upon the defense of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or defendant must notify the Commonwealth within 7 days of the date by which this report is required to (Rule 14(b)(3)), or may here so state:

6. (Other discovery agreements) The parties agree to the following other matters, related to discovery:

II. Agreements reached by the parties concerning matters other than discovery (specify):

III. Matters upon which the parties have not reached agreement which are to be subject of pretrial motions:

IV. Stipulations of fact

V. Status of Case (not binding)

(X) Ready for further conference

( ) Ready for trial. Proposed agreed trial date: C 1-17-82

Estimated length of trial:

( ) Jury ( ) Jury Waived

No. of witness: Def. Pres.

Elizabeth M. Ahey  
Assistant District Attorney

Bonnie E. Brisley  
Defense Counsel

12-29-82  
Date

Defendant - if necessary

NOTES  
... reduced to writing in the conference report shall be binding on the parties and shall control subsequent course of the proceeding" (Rule 13(a)(2)(A)).  
... imposes a continuing duty to disclose subsequently acquired material which is discoverable.  
... conference report shall contain a statement of those matters on which the parties have agreed to be the subject of pretrial motions" - Rule 11(a)(2)(A). "Only pretrial matters of which could not be agreed upon at the pretrial conference..."